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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

137971

JUL 31 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In Reply Refer to: 3HW16

Mrs. Georgia T. Saunders, Director
Saunders Supply Company
5969 Godwin Boulevard
Suffolk, VA 23432

Re: Saunders Supply Company Site (see enclosed map)
Chuckatuck, Virginia

Dear Mrs. Saunders:

The United States Environmental Protection Agency (EPA or the Agency) has expended public funds to investigate releases of hazardous substances at the above referenced site. This letter notifies you that EPA may spend additional public funds on action to further investigate and control these releases. Unless EPA determines that a responsible party will properly perform such actions, EPA intends to do so pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et. seq. (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-449, 100 Stat. 1613 (October 17, 1986) (SARA) and the National Contingency Plan, 40 C.F.R. Section 300.68. Specifically, the Agency intends to conduct or oversee a Remedial Investigation and Feasibility Study at the Saunders Supply Company Site, south of Routes 10 and 32, Chuckatuck, Virginia.

Under Sections 106(a) and 107(a) of CERCLA, responsible parties may be obligated to implement any needed relief actions as determined by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release of hazardous substances at the site. Such costs can include, but are not limited to, expenditures for investigation, planning, cleanup of the site, and enforcement. By this letter, EPA notifies you of your company's potential liability with regard to this matter and encourages your company to voluntarily undertake the Remedial Investigation and Feasibility Study (RI/FS) which will be overseen by EPA.

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Under Section 107(a) of CERCLA, responsible parties are liable for the costs of response actions. Under this section, responsible parties include: 1) present owners or operators of the site; 2) owners or operators at the time of disposal; 3) any persons who arranged for disposal or treatment of hazardous substances at the site; and 4) transporters of hazardous substances to the site.

Under Section 122(e) of SARA, responsible parties may be extended the opportunity to present a good faith proposal to conduct the RI/FS to the Agency within sixty (60) days of receipt of a "special notice" letter. This special notice letter will be forwarded to you at such time that the Chesapeake Utilities Corporation has expressed some interest in performing/participating in the RI/FS and the Agency determines such notice would facilitate an agreement and expedite remedial action. Should this proposal be received by the Agency within this time frame, the Agency will allow additional time totalling ninety (90) days from receipt of the special notice letter for negotiations between your company and the Agency. This good faith proposal should be a proposal in writing which indicates your company's qualifications and willingness to conduct or finance the RI/FS. This proposal should specifically identify the work, through a workplan, schedule or statement of work in which your company as a responsible party is willing to participate. A model scope of work has been provided as part of the enclosed RI/FS guidance.

EPA has information indicating that there is evidence of ground water and surface water contamination caused by wastes from wood treating operations and that you are an owner/operator of the site and the Saunders Supply Company.

The Agency will, upon request, discuss this information with your company and will provide additional information on the nature and extent of the releases. Instructions on how to contact the Agency's Representative, Leonard Nash are set out below. We urge you to contact Leonard Nash as soon as possible.

EPA is planning to conduct the following studies at the Saunders Supply Company Site:

1. Remedial Investigation (RI) - Further investigations to define the nature and extent of soil, air ground water, surface water and sediment contamination at the site, and to identify the local hydrogeological characteristics and impact on biotic receptors at the site and;

2. Feasibility Study (FS) - A study to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

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In addition to the above, your company may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include but are not limited to:

1. Implementing expedited response actions, e.g., securing the site to prevent contact with any hazardous substances that may be present at the site and/or removal of contaminated material from the surface of the site;

2. Designing and implementing the EPA approved remedial option; and

3. Providing any monitoring and maintenance necessary after remedial measures are completed.

EPA will consider an immediate offer from you to conduct (under EPA supervision) the RI/FS described above in accordance with an EPA workplan or the enclosed EPA RI/FS guidance. Under Section 104(a) of CERCLA the President must determine that the responsible party is qualified to conduct the RI/FS, will promptly and properly complete the same and agree to reimburse the government for any costs incurred by or in connection with the RI/FS in order to allow the PRP to undertake such action. Alternately, your company may elect to participate in the RI/FS along with the other parties responsible for the site. Your company may also fund an EPA directed RI/FS. Any agreement to perform or fund all or part of the RI/FS will be embodied in a consent order under Section 104 or 106 of CERCLA. You should notify EPA in writing, addressed to Leonard Nash within fourteen (14) calendar days from the receipt of this letter, of whether your company is willing to conduct or participate in the RI/FS. Otherwise, EPA will assume that your company declines any involvement in the RI/FS and will proceed with the appropriate studies and any expedited response actions needed to secure the site. EPA may later invite your company to undertake the design and implementation of the selected remedy upon the Agency's completion of the RI/FS.

Should your company provide the expression of willingness to conduct or participate in the RI/FS as described above, EPA will refrain from expending funds for the site for a period of time so that meaningful discussions concerning a Consent Order can take place. In order that remedial actions proceed expeditiously, the maximum period of time that EPA will allow for discussions is ninety (90) calendar days from receipt of a special notice

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letter. A previously issued consent order for a Remedial Investigation/Feasibility Study is enclosed to familiarize you with the requirements of such an order, although additional conditions may be required to comply with the statutory requirements of SARA.

If your company should decide to participate in the RI/FS process, you should indicate your interest in a letter to the EPA project officer identified below. Your letter should indicate the appropriate name, address, and telephone number for further contact with a representative of Saunders Supply Company Site. If your company is already involved in discussions with State or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this site, you should not interpret this letter to advise or direct your company to restrict or discontinue any such activities. On the other hand, this letter should not be interpreted as endorsing any such efforts by State or local authorities. You should report, however, the status of those discussions or that action in your letter to us. Please provide a copy of your letter to any other party involved in those discussions. You should also be aware that this site can not be delisted from the CERCLA National Priority List until after an RI/FS has been completed and the necessary remedial work concluded in accordance with the enclosed RI/FS guidance and EPA's National Contingency Plan.

Your letter should be addressed to:

Leonard Nash (3HW16)
U.S. Environmental Protection Agency
Region III
DELMARVA, WV CERCLA Remedial Enforcement Section
841 Chestnut Building
Philadelphia, PA 19107

If you need further information, Leonard Nash can be reached at 215-597-0978.

EPA would like to encourage good faith negotiations between your company and the Agency.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as a final agency position on any matter set forth herein.

This information request is not subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. Sections 3501-2520.

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If you have any questions regarding the foregoing, please contact Leonard Nash.

Sincerely,



Stephen R. Wassersug
Division Director
Haz. Waste Management Division

Enclosures: Location map, model consent order
EPA RI/FS guidance

cc: Cynthia V. Bailey, Director
Virginia Department of Natural Resources and
Environmental Control

Mr. Gene Lucero, OWPE
HQ EPA

Pauline Ewald
Virginia Department of Natural Resources and
Environmental Control

William Early
Office of Regional Counsel (3RC22)

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